In the Supreme Court of the United States.

OCTOBER TERM, 1920.

THE G. S. WILLARD COMPANY, HENRY S. Narten, Perry F. Narten, and W. A. Duff, Appellants,

v.

A. MITCHELL PALMER, AS ATTORNEY GENERAL of the United States, and Edwin S. Wertz, as United States district attorney for the Northern District of Ohio.

No. 418.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OHIO.

BRIEF FOR THE APPELLEES.

This is a suit to enjoin Federal officers from enforcing, through criminal prosecutions, the Lever Act of August 10, 1917 (40 Stat., c. 53, p. 276), as amended by section 2 of the act of October 22, 1919 (41 Stat., 1st sess., c. 80, p. 297).

The right to an injunction is predicated upon the contention that the act in question is unconstitutional.

The grounds upon which the act is assailed are:

1. That by the exemption in favor of farmers and others it contains arbitrary and unconstitutional classification.

2. That it is so vague and indefinite as to be unconstitutional.

These are the same objections urged against the act in the cases of *United States* v. *L. Cohen Grocery Company*, No. 324; *Tedrow* v. *A. T. Lewis & Son Dry Goods Co.*, No. 357; and *Kennington* v. *Palmer, Attorney General*, No. 367, which are to be heard at the same time with this case. The Government's argument in reply is fuliy set out in the briefs filed in those cases and need not now be repeated. Those briefs are referred to and adopted as the Government's brief in this case.

It is respectfully submitted that the decree of the District Court dismissing the bill is correct and should be affirmed.

WILLIAM L. FRIERSON,
Solicitor General.

OCTOBER, 1920.

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